

## REMARKS

Applicant respectfully requests reconsideration of the above-referenced U.S. Patent application. Claims 1-2, 5, 7-8, 11, 14-16, and 18-22 are amended herein. No claims are currently added or cancelled. Therefore, claims 1-22 are pending.

### Allowable Subject Matter

Claims 20-21 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all limitations of the base claims from which they depend. Applicant submits that the rejection of the independent base claim from which claims 20-21 depend has been overcome herein. Therefore, Applicant respectfully submits that claims 20-21 are allowable as written.

### Claim Objections

The numbering of current claims 11-22 was objected to as not in accordance with 37 CFR 1.126, requiring claims to be numbered consecutively. The original application included claims numbered 1-10 and 12-23, but no claim 11. The Office Action at page 2 states that claims 12-23 were renumbered 11-22 to comply with 37 CFR 1.126. Applicant has therefore amended claims 12-23 to now be numbered 11-22. Thus, the claims are now grouped as follows: claims 1, 9, and 17 are independent, and claims 2-8, 10-16, and 18-22 depend from these claims, respectively. Furthermore, Applicant has amended currently numbered claims 14-16 and 18-22 to correct dependency based on the claim numbering amendments made herein.

### Claim Amendments

Claims 1, 2, 5, 7, 8, and 11-22 are amended herein to correct minor grammatical informalities. Applicant submits that the amendments made to these claims herein were not

necessary to make the claims patentable over the cited references, nor were they motivated by the rejections made in the Office Action in light of the cited references.

Claim Rejections - 35 U.S.C. § 112

Claim 8 was rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to point out and distinctly claim the subject matter of the invention. Specifically, claim 8 was rejected for depending from itself. Applicant has amended claim 8 herein to depend from claim 7.

Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 9-10, 17-18, and 22

Claims 1-3, 9-10, 17-18, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,434,371 issued to Claxton (*Claxton*) in view of U.S. Patent No. 5,584,054 issued to Tyneski et al. (*Tyneski*). Applicant respectfully submits that these claims are not rendered obvious by *Claxton* and *Tyneski* for at least the following reasons.

Claim 1 as amended recites the following:

a power supply;  
a computing unit, coupled to the power supply;  
a radio communication unit; and  
a switch, coupled to power supply and to the computing unit, to selectively couple the radio communication unit to the power supply, to provide first and second modes of operation, wherein the first mode of operation enables the computing unit and the radio communication unit, and **the second mode of operation disables the radio communication unit** and enables the computing unit.

Therefore, Applicant claims a switch to selectively provide a mode of operation wherein the computing unit and radio communication unit are enabled, and a mode of operation wherein the computing unit is enabled and the radio communication unit is disabled. Claims 9 and 17 recite similar limitations directed to a mode of operation where local functionality and communication

functionality are both enabled, and a mode of operation where local functionality is enabled and communication functionality is disabled.

The Office Action at page 4 states that *Claxton* fails to disclose that a second mode of operation disables a radio communication unit and enables a computing unit. The Office Action cites *Tyneski* as curing the deficiencies of *Claxton*. Applicant respectfully traverses this assertion, pointing out that *Tyneski* suffers the same deficiency as *Claxton*. The Office Action at page 4 asserts that *Tyneski*, "on the other hand in his invention, teaches that the second mode of operation of the invention disables the radio communication unit and enables the computing unit. (Col. 1, Lines 64-67; Col. 2, Lines 1-7)." Applicant points to *Tyneski* at col. 2, lines 50 to 55 where it states that, "While the handset 100 is operating as a personal organizer when the flap 104 is in the open position, **signaling information can still be received with antenna 110**, and the user can be alerted to an incoming call." Emphasis added. Thus, rather than cure the deficiency of *Claxton*, *Tyneski* suffers from the same deficiency, in that the communication capability of the handset is enabled in both modes of operation, and is not ever discussed as being disabled. Therefore, the cited references fail to render the invention obvious at least because the cited references fail, whether alone or in combination, to disclose or suggest that a second mode of operation disables the communication unit.

Claims 2-3 depend from claim 1. Claim 10 depends from claim 9. Claims 18 and 22 depend from claim 17. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that these claims are not rendered obvious by the cited references for at least the reasons set forth above.

Claims 4-6 and 11-12

Claims 4-6 and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Claxton* and *Tyneski* in view of U.S. Patent No. 5,337,346 issued to Uchikura (*Uchikura*).

Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons.

The Office Action cites *Uchikura* at page 6 as disclosing random access information. Whether or not *Uchikura* discloses what is asserted in the Office Action, which Applicant does not concede, the rejection of these claims is based upon a defective combination of *Claxton* and *Tyneski*, as discussed above. Therefore, Applicant respectfully submits that these claims are not rendered obvious by the cited references at least because the cited references fail, whether alone or in combination, to disclose or suggest every limitation of the base claims from which these claims depend.

Claims 7-8, 13-16, and 19

Claims 7-8, 13-16, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Claxton* and *Tyneski* in view of U.S. Patent No. 5,983,073 issued to Ditzik (*Ditzik*).

Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons.

The Office Action cites *Ditzik* at pages 8-9 as disclosing providing communication between a mobile device and an external entity. Whether or not *Ditzik* discloses what is asserted in the Office Action, which Applicant does not concede, the rejection of these claims is based upon a defective combination of *Claxton* and *Tyneski*, as discussed above. Therefore, Applicant respectfully submits that these claims are not rendered obvious by the cited references at least

because the cited references fail, whether alone or in combination, to disclose or suggest every limitation of the base claims from which these claims depend.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-22 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 9/24/03



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Gregory D. Caldwell  
Reg. No. 39,926

12400 Wilshire Blvd., 7th Floor  
Los Angeles, CA 90025-1026  
Telephone: (503) 684-6200

GDC/VHA

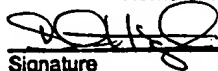
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